THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NOs.27784 and 27785 of 2005

Date:22nd November 2006

WRIT PETITION NO.27784 OF 2005:

Between:
M.Anjaneyulu, s/o Hanmandlu,
Aged 52 years, Occ: agriculture,
R/o Borgaon village, Ranjal Mandal,
Nizamabad District.

…. Petitioner.

And

1. The Govt. of Andhra Pradesh,
   rep. by its Secretary to Government,
   Agriculture & Co-operation Department,
   A.P. Secretariat, Hyderabad and 4 others.

…. Respondents.

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WRIT PETITION NO.27785 OF 2005:

Between:
M. Laxmi Bai, w/o Anjaneyulu,
Aged 40 years, Occ: House-wife,
R/o Borgaon village, Ranjal Mandal,
Nizamabad District.

…. Petitioner.

And

1. The Govt. of Andhra Pradesh,
   rep. by its Secretary to Government,
   Agriculture & Co-operation Department,
   A.P. Secretariat, Hyderabad and 4 others.

…. Respondents.

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COMMON ORDER:

Since the questions of fact and law that arise for consideration in these two writ petitions are common, they are being disposed of by this common order.

2. Petitioners in these two writ petitions are wife and husband. Each of them owned certain extents of lands. For the purpose of drilling bore-wells, both of them have obtained loans from the 5th respondent society by mortgaging their respective lands. However, thereafter they committed default in discharge of the debt. In view of the same, certificates under Section 71 of the A.P. Cooperative Societies Act, 1964 (for short 'the Act') were obtained by the society and the schedule properties were sought to be sold under E.P.No.1593 of 2000 and E.P.No.485 of 2000. At that stage, the present writ petitions are filed challenging the notice of sale of immovable properties.

3. At the time of admission of the writ petitions, this court granted conditional stay on depositing 1/3rd of the amount by the petitioners. Learned counsel for the respondents submits that no such amounts have been deposited as directed by this Court. Apart from this, no case is made out for interference of this Court under Article 226 of the Constitution of India.

4. The admitted facts are that the petitioners have obtained loan by mortgaging their respective properties to the 5th respondent society. When they fell due, after conducting an enquiry, certificates under Section 71 of the Act were issued. Thereafter, when E.P. proceedings were being worked out by way of sale, the present writ petitions are filed.

5. In view of the above, I see no reason to interfere with the impugned orders passed by the third respondent. However, the petitioners are granted three months time from today to discharge the sale notice amount due as on date, in default, the respondents are at liberty to proceed with the auction as proposed under the impugned proceedings.

6. Subject to above direction, the writ petitions are dismissed. No costs.

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C.V.RAMULU, J.

Date: 22nd November 2006.
BSB